

14.06.2022.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1599 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.141 of 2022 dated 20.02.2022 under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Abdul Samad.

.... Petitioner.

Mr. Mrityunjay Chatterjee,
Mr. Kaushik Dey.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that there is delay of two months in lodging the first information report. He is in custody for about 33 days.

Learned Advocate for the State opposes the prayer for bail and produces the Case Diary.

We have considered the materials on record. Allegation of forcible rape on the victim requires to be assessed in the light of the fact that she remained silent and did not promptly inform her husband or others. There is delay in lodging the first information report. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)